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Attorneys for Defendant  
AMGUARD INSURANCE COMPANY

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF CALIFORNIA**

DAN CARLTON, an individual,  
  
Plaintiff,  
  
v.  
  
AMGUARD INSURANCE COMPANY, a  
foreign corporation; and  
DOES 1 to 100, inclusive,  
  
Defendants.

**Case No. 2:22-cv-02030-WBS-DB**

**AMENDED STIPULATION AND ORDER TO  
EXTEND DISCOVERY, PRETRIAL DATES  
AND TRIAL DATE SET IN STATUS  
(PRETRIAL SCHEDULING) ORDER**

**THIRD REQUEST FOR EXTENSION**

Plaintiff Dan Carlton ("Plaintiff") and Defendant Amguard Insurance Company ("Defendant") by and through their respective counsel, hereby stipulate and request the Court to approve their agreement for an extension of the discovery, other pretrial deadlines and trial date as follows by approximately 60 days:

1. On August 3, 2023, the Court issued an order extending Pretrial Scheduling Dates. (Dkt 10)

2. On October 30, 2023, the Court issued a second order extending Pretrial Scheduling Dates. (Dkt 12)

3. Since the second order, the parties have continued to exchange written discovery, and on December 12, 2023 and

1 December 13, 2023, Plaintiff took depositions of two Defendant  
2 employees and one Defendant former employee in Wilkes Barre,  
3 Pennsylvania. During those depositions, counsel for the parties  
4 discovered that additional documents in Defendants' possession  
5 may be relevant to the case and the witnesses' testimony,  
6 necessitating that Plaintiff resume the depositions at a later  
7 date after the documents are produced. Counsel for the parties  
8 also learned that some of the documents may contain information  
9 identifying other Defendant employees and former employees that  
10 appear likely to have knowledge of Defendant's claims handling  
11 activities that were not disclosed in Defendant's initial  
12 disclosures, and Plaintiff may need to depose these additional  
13 witnesses to properly prepare the case for trial.

14 4. The parties mediated this matter unsuccessfully on  
15 October 2, 2023. A major impediment to settlement was the  
16 parties' differing views regarding Defendant's obligation to  
17 provide coverage under its homeowner's policy for Plaintiff's  
18 personal property loss. In light of the expense necessary to  
19 resume the depositions commenced in Pennsylvania, the parties  
20 believe it would be cost-effective for Defendant to move for  
21 summary judgment and/or summary adjudication of the breach of  
22 contract cause of action before discovery of the bad faith  
23 claims handling issues is completed. If Defendant prevails,  
24 there will be no need to resume the depositions; if Defendant  
25 does not prevail, the parties believe the matter will be ripe  
26 for a return to mediation.

27 4. Good cause therefore exists for the parties' request  
28 because it makes practical sense to test the coverage issue and

engage in further mediation before incurring the additional expense of resumed depositions in Pennsylvania. The parties thus jointly request that the Court extend the current deadlines for completing factual discovery and disclosing experts 12 months to allow the Court sufficient time to rule on Defendant's dispositive motion, which Defendant proposes to file on or before March 1, 2024, and that the Court schedule new pretrial conference and trial dates to reasonably follow a new close of factual discovery:

Deadline	Current Date	Proposed New Date
Expert disclosures due	February 1, 2024	January 31, 2025
Rebuttal expert disclosures	February 15, 2024	February 14, 2025
Close of factual discovery	March 18, 2024	March 17, 2025
Last day to file motions	May 13, 2024	March 1, 2024
Final Pretrial Conference	July 29, 2024, 1:30 p.m.	April 21, 2025, 1:30 p.m.
Trial Date	Sept 24, 2024, 9 a.m.	June 23, 2025, 9 a.m.


5. As the dates for Trial will impact the court, the parties request a new date for the pretrial conference in April 2025 and the Trial Date in June 2025.

6. Accordingly, the parties stipulate and respectfully request that the Court extend the deadlines as proposed, or alternative dates convenient for the Court.

1 Dated: January 3, 2024

WILSON, ELSEER, MOSKOWITZ,  
EDELMAN & DICKER LLP

2  
3 By:

  
JOHN H. PODESTA

4  
5 Attorneys for Defendant  
AMGUARD INSURANCE COMPANY

6 Dated: January 3, 2024

7 MURPHY AUSTIN ADAMS SCHOENFELD LLP

8  
9 By

/s/ Alexander F. Stuart

10 ALEXANDER F. STUART  
Attorneys for Plaintiff  
DAN CARLTON

11  
12 **ORDER**

13 After considering the stipulation, IT IS HEREBY ORDERED  
14 THAT:

- 15 1. For good cause shown, the stipulation is granted;  
16  
17 2. The discovery, motion, pretrial and trial dates are  
18 continued as follows:

19 Expert disclosures due: January 31, 2025

20 Rebuttal expert disclosures due: February 14, 2025


21 Close of factual discovery: March 17, 2025

22 Last day for filing motions: March 1, 2024

23 Final Pretrial Conference: **April 21, 2025, 1:30 p.m.**

24 Trial date: **June 24, 2025, 9:00 a.m.**

25  
26 Dated: January 4, 2024

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE